

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**POWERTRAIN, INC., A MISSISSIPPI
CORPORATION**

**PLAINTIFF/COUNTER-
DEFENDANT**

VS.

CIVIL ACTION NO. 1:11-cv-000105-GHD-DAS

**JOYCE MA, INDIVIDUALLY, AND
BEST MACHINERY & ELECTRICAL, INC.**

**DEFENDANTS/COUNTER-
PLAINTIFFS/THIRD-
PARTY PLAINTIFFS**

VS.

**WILLIAM H. SHAWN, An Individual, and
SHAWNCOULSON, LLP, a Washington, DC
Limited Liability Partnership**

**THIRD-PARTY
DEFENDANTS**

**MOTION TO SET FRCP
RULE 16 PRETRIAL CONFERENCE**

COMES NOW the Plaintiff, PowerTrain, Inc., by and through its attorney and moves this Court to set a Pretrial/Scheduling Conference pursuant to FRCP Rule 16(a)(b and (c) of said rule.

I.

Plaintiff would show the parties have conducted discovery in this cause as to Plaintiff's Complaint against Defendant, Ma, and Ma's Counter-Claim against PowerTrain.

II.

Plaintiff would show there is pending Ma's Third-Party Complaint against William Shawn, which has not moved forward as there has been no ruling on Shawn's Motion to Dismiss.

III.

Plaintiff would state earlier estimates by the parties concerning discovery and deadlines are unrealistic in view of the voluminous nature of documents the Plaintiff has sought, obtained and produced to the Defendant, Ma.

WHEREFORE PREMISES CONSIDERED, Plaintiff, PowerTrain, Inc. moves this Court to schedule a Rule 16 Pretrial Conference to address scheduling issues and matters for consideration pursuant to Rule 16.

Respectfully submitted,

POWERTRAIN, INC.

/s/ Duncan Lott

DUNCAN L. LOTT, MBN 1431

Attorney for the Plaintiff

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CERTIFICATE OF SERVICE

I, Duncan L. Lott, Counsel for the Plaintiff, do hereby certify that I have this day served a true and correct copy of the above and foregoing **Motion to Set FRCP Rule 16 Pretrial Conference** on Counsel of Record for the Defendant, by placing said copy in the United States Mail, postage prepaid, addressed to them at his usual post office addresses as follows:

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This the 3rd day of December, 2012.

/s/ Duncan Lott
DUNCAN L. LOTT